

REMARKS

Claims 1, 2, 5, 7, 9, 10, 15, and 16 are pending in this application for which applicant seeks reconsideration.

Claims 1, 2, 5, 7, 9, 10, 15, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tanaka (USPGP 2003/0052841) in view of Weitbruch (USP 6,473,464). Applicant respectfully traverses this rejection because Weitbruch does not alleviate Tanaka's shortcomings, namely the average emission rate set forth in the independent claims.

Independent claims 1 and 9 call for an average emission rate to be equal to 0.75 or greater. The average emission rate is the plurality of pieces of emission pattern information averaged by each subfield, of any subfield with brightness weight smaller than maximum brightness weight of a subfield in which an average emission rate thereof is not zero.

The examiner acknowledged that Tanaka does not disclose or teach this feature. In this respect, the examiner relied upon Weitbruch for the proposition that providing the claimed average emission rate would have been obvious, relying on Figs. 1, 2, and 9, and column 5, lines 30-60. But Weitbruch does not mention anywhere that the average emission rate to be 0.75 or greater. In fact, Weitbruch is completely silent regarding this feature.

Request for interview

Applicant seeks an interview in due course, before the examiner issues a next Office Action to discuss how the examiner is interpreting the claimed average emission rate vis-a-vis Weitbruch. The undersigned will contact the examiner to schedule an interview in due course. The examiner, however, is urged to contact the undersigned if the examiner intends to act on this case before an interview is scheduled.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

09 NOVEMBER 2009

DATE

/Lyle Kimms/

LYLE KIMMS, REG. NO. 34,079

20609 GORDON PARK SQUARE, SUITE 150
ASHBURN, VA 20147
703-726-6020 (PHONE)
703-726-6024 (FAX)